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BEFORE THE ARIZONA CORPORATION COMMISSION
RECEIVED Arizona Corporation Commission

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF
THE TOWN OF GILBERT, ARIZONA TO
UPGRADE A CROSSING OF THE UNION
PACIFIC RAILROAD AT THE INTERSECTION
OF POWER AND PECOS ROADS IN MARICOPA
COUNTY, ARIZONA, AAR/DOT NO. 741-833-U.

DOCKET NO. RR-03639A-07-0398

PROCEDURAL ORDER

BY THE COMMISSION:

On June 29, 2007, the Town of Gilbert, Arizona ("Town") filed with the Arizona Corporation Commission ("Commission") an application for approval for the Union Pacific Railroad ("Railroad") to upgrade an existing crossing at the intersection of Power and Pecos Roads in the town in Maricopa County, Arizona at AAR/DOT No. 741-833-U.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the request of the Town of Gilbert shall be considered an application for the Railroad to upgrade an existing crossing pursuant to A.R.S. § 40-337, et seq.

IT IS FURTHER ORDERED that the Railroad shall be considered as the Respondent in this proceeding.

IT IS FURTHER ORDERED that the **hearing** on the application shall be held on **August 28, 2007, at 9:30 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that within five business days of receipt of this Procedural Order, the **TOWN OF GILBERT SHALL PROVIDE THE RAILROAD AND ANY MUNICIPALITY OR INTERESTED PARTY** that may be affected by the application with a copy of the application and this Procedural Order by certified mail.

IT IS FURTHER ORDERED that the Commission's Railroad Safety Section ("Staff") shall

1 prepare a written **Staff Report and associated exhibits** to be presented at hearing and file copies of
2 them with Docket Control on or before 4:00 p.m. on **August 10, 2007**.

3 IT IS FURTHER ORDERED that any **objections to the Staff Report and associated**
4 **exhibits** shall be reduced to writing and filed with Docket Control on or before 4:00 p.m. on **August**
5 **20, 2007**.

6 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
7 105, except that all motions to intervene must be filed on or before **August 17, 2007**.

8 IT IS FURTHER ORDERED that the **Town of Gilbert** shall provide public notice of the
9 hearing in this matter, in the following form and style:

10 **IN THE MATTER OF THE APPLICATION OF THE TOWN OF GILBERT,**
11 **ARIZONA TO UPGRADE A CROSSING OF THE UNION PACIFIC**
12 **RAILROAD AT THE INTERSECTION OF POWER AND PECOS ROADS**
13 **IN MARICOPA COUNTY, ARIZONA, AAR/DOT NO. 741-833-U.**
14 **DOCKET NO. RR-03639A-07-0398**

15 On June 29, 2007, the Town of Gilbert, Arizona ("Town") filed with the Arizona
16 Corporation Commission ("Commission") an application for approval for the Union
17 Pacific Railroad ("Railroad") to upgrade an existing crossing at the intersection of
18 Power and Pecos Roads in Maricopa County, Arizona at AAR/DOT No. 741-833-U.

19 The application is available for inspection during regular business hours at the offices
20 of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona,
21 and on the internet via the Commission website (www.azcc.gov) using the e-docket
22 function.

23 The Commission will hold a hearing on this matter commencing on **August 28,**
24 **2007, at 9:30 a.m.,** at the Commission's offices, 1200 West Washington Street,
25 Phoenix, Arizona. Public comments will be taken on the first day of the hearing.

26 The law provides for an open public hearing at which, under appropriate
27 circumstances, interested parties may intervene. Intervention shall be permitted to
28 any person entitled by law to intervene and having a direct and substantial interest in
the matter. Persons desiring to intervene must file a written motion to intervene with
the Commission, which motion should be sent to Applicant or its counsel and to all
parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of
any party upon whom service of documents is to be made if different than the
intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,
a customer of Railroad, a neighboring property owner, a crossing user, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed
to the Applicant or its counsel and to all parties of record in the case.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
2 that all motions to intervene must be filed on or before August 17, 2007. The
3 granting of intervention, among other things, entitles a party to present sworn
4 evidence at hearing and to cross-examine other witnesses. However, failure to
intervene will not preclude any customer from appearing at the hearing and making a
statement on such customer's own behalf.

5 If you have any questions about this application, you may contact the applicant at
6 **[insert telephone number]**. If you wish to file written comments on the application
7 or want further information on intervention, you may write the Consumer Services
8 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona
9 85007 or call 1-800-222-7000 or appear at the hearing and make comment.

10 The Commission does not discriminate on the basis of disability in admission to its
11 public meetings. Persons with a disability may request a reasonable accommodation
12 such as a sign language interpreter, as well as request this document in an alternative
13 format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-
14 3931, E-mail lhogan@azcc.gov. Requests should be made as early as possible to
15 allow time to arrange the accommodation.


16 IT IS FURTHER ORDERED that the Town of Gilbert shall cause the above notice to be
17 published at least once in a newspaper of general circulation in the city/county where the crossing is
18 located, with **publication to be completed no later than August 3, 2007**.

19 IT IS FURTHER ORDERED that notice shall be deemed complete upon the
20 mailing/publication of same, notwithstanding the failure of an individual or entity to read or receive
21 the notice.

22 IT IS FURTHER ORDERED that the **TOWN OF GILBERT SHALL FILE**
23 **CERTIFICATION OF NOTICE WITH THE COMMISSION'S DOCKET CONTROL AS**
24 **SOON AS PRACTICABLE** after the mailing/publication of notice ordered herein has been
25 completed.

26 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
27 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
28 ruling at hearing.

DATED this 17th day of July, 2007.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/delivered
2 this 17th day of July, 2007 to:

3 James H. Smith
4 UNION PACIFIC RAILROAD COMPANY
5 10031 Foothills Boulevard
6 Roseville, CA 95747

7 John Syers
8 Railroad Engineering Coordinator
9 ARIZONA DEPARTMENT OF TRANSPORTATION
10 205 South 17th Avenue, M/D 618E
11 Phoenix, AZ 85007


12 David Gibson
13 Traffic Records Section
14 ARIZONA DEPARTMENT OF TRANSPORTATION
15 206 South 17th Avenue, M/D 064R
16 Phoenix, AZ 85007

17 Richard Allred, P.E.
18 Town Engineer
19 TOWN OF GILBERT
20 90 East Civic Center Drive
21 Gilbert, AZ 85296

22 Christopher Kempley, Chief Counsel
23 Legal Division
24 ARIZONA CORPORATION COMMISSION
25 1200 West Washington Street
26 Phoenix, Arizona 85007

27 Brian Lehman, Chief
28 Railroad Safety Section of the Safety Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 North Third Street, Suite Three
Phoenix, AZ 85004-1103

24
25 By: 
26 Debra Broyles
27 Secretary to Marc Stern
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